

THE HIGH COURT OF DELHI AT NEW DELHI

Judgment delivered on :25.07.2007

WP(C) No.5366/2007

SAMIYA KHAN

...Petitioner

- versus -

JAMIA MILLIA ISLAMIA & ORS.

...Respondents

Advocates who appeared in this case:

For the Petitioner : Mr Abdus Samad

For the Respondent : Mr M. A. Siddiqui

CORAM:-

HON'BLE MR JUSTICE BADAR DURREZ AHMED

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether the judgment should be reported in Digest?

BADAR DURREZ AHMED, J (ORAL)

1. By way of this writ petition the petitioner is seeking the issuance of a direction to the respondent Nos. 1 to 3 to cancel the list of five candidates brought out on 14.07.2007 under the Jamia Hindi Category and to give effect to the candidature of the petitioner for securing admission to the Diploma in Elementary Teacher Education Course for the academic session 2007-08.

2. Twelve seats were allocated in the said diploma course from the Hindi medium stream of the Jamia University itself. It is submitted on behalf

of the petitioner that as against these 12 seats 8 persons appeared for the interview and only 7 have been selected. The petitioner, who was also called for the interview, did not find her name in the selected list. The grievance is that since there are more seats available, the petitioner ought to have been selected.

3. Mr Siddiqui, who appears on advance notice on behalf of the respondents, drew my attention to the Combined Prospectus 2007-08 brought out by the Jamia Millia Islamia University. In particular, he drew my attention to the requirements for the Diploma in Elementary Teacher Education. This is a two year full time course and the eligibility prescribed is that the candidate must have cleared the Senior Secondary School Certificate Examination (except Vocational Courses) with not less than 50% marks. It is also indicated that the number of seats for this course is 100. The seats have been allocated amongst various categories such as General, SC/ST, Jamia and Physically Challenged. Under the Jamia Category, further sub-divisions are:-

(a) Hindi Medium

(b) Urdu Medium

In this writ petition we are concerned with the said category of Hindi Medium, for which 12 seats have been earmarked.

4. Mr Siddiqui also drew my attention to note 8, which provides that if seats are left unfilled in any category, such seats shall be transferred to the General Category. However, seats reserved for SC/ ST candidates are not transferable to the General Category. He submitted that the petitioner had not satisfied the eligibility condition of obtaining at least 50% marks in her Senior Secondary School Certificate Examination. Admittedly, she obtained 49.4% marks. Therefore, she was ineligible. He also submitted that since only 7 candidates were found eligible under the Jamia Hindi Category, in view of the rules, the balance 5 seats were transferred to the Hindi Medium General Category.

5. The learned counsel for the petitioner then submitted that as per paragraph 7.2, N. C. C. Cadets are eligible for relaxation to the extent of 5% marks in the aggregate or in the subject concerned, as the case may be. And, since the petitioner held a “B” Certificate she was entitled to relaxation to the extent of 5% of marks. Accordingly, if 5% is added to 49.4 % then she would clearly be eligible for admission.

6. In response to this, Mr Siddiqui drew my attention to the said paragraph 7.2, which deals with N. C. C cadets. He submitted that 5% relaxation of marks would be given in respect of admission to undergraduate courses only if the candidate holds an “A” Certificate. The diploma in

Elementary Teacher Education is an undergraduate course and, therefore, the petitioner was required to have held an “A” Certificate for eligibility for relaxation of 5% marks. Since the petitioner only holds a “B” Certificate, she would not be entitled for relaxation.

7. Accepting the submissions made by the learned counsel for the respondents, I am of the view that the petitioner is not eligible and, therefore, cannot be granted admission to the Diploma in Elementary Teacher Education Course for the academic session 2007-08. The transfer of the five seats from the Jamia Hindi Category to the General Hindi Category is also within the rules.

Accordingly, this writ petition is dismissed.

**BADAR DURREZ AHMED
(JUDGE)**

July 25, 2007
SR